



UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700.

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Paper No. _____

In re application of: :
Theodore A. Witzel :
Serial No.: 10/054,893 : DECISION ON
Filed: January 02, 2002 : PETITION
For: FLAVOR WAVE PLATE FOR BARBECUES AND COMBINATION OF
FLAVOR WAVE AND BARBECUE :

This is a response to the PETITION TO THE COMMISSION UNDER RULE 1.181, PETITION FOR REVIVAL OF ABANDONED APPLICATION OR A PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT, filed December 19, 2003 and August 03, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of October 20, 2003, for failure to timely file a proper response to the Office letter dated March 13, 2003 be withdrawn. The petitioner asserts that applicant timely filed a proper response on June 13, 2003.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee).

A review of the petitioner's evidence provided with the instant petition indicates that the request has merit. The evidence presented is sufficient to establish that the applicant did file the proper response to the Office letter of March 13, 2003 in a timely manner. The evidence provided includes: 1) a copy of the Response to the Office letter of March 13, 2003 with an executed Certificate of Facsimile Transmission dated June 10, 2003 (Exhibit C); and 2) a copy of a letter dated August 05, 2003 to the Attorney's client reporting that the Reply was forwarded to the USPTO on June 10, 2003.

Therefore, the abandonment is hereby withdrawn, and the application is returned to



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pending status. The application will be forwarded to the Technical Support Staff for entering of the Response dated June 10, 2003 and then forwarded to the examiner for prompt consideration.

The Petition is **GRANTED.**

Imstone

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